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6 **IN RE: LITHIUM ION BATTERIES**
7 **ANTITRUST LITIGATION**

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11 Case No.: 13-MD-2420 YGR
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14 **ORDER DIRECTING FILING OF PROPOSED**
15 **FORM OF ORDER**

16 This Order Relates to:

17 All Indirect Purchaser and Direct
18 Purchaser Actions

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20 The Court ORDERS the parties to file a proposed form of order setting forth all deadlines
imposed orally at the last status conference, held February 7, 2014. The parties' submission shall
include the schedule for briefing the next phase of motions to dismiss, as well as the issues to be
briefed, consistent with the Court's guidance at the status conference. The parties shall file the
proposed order no later than **Monday, February 24, 2014**.

21 The Court has considered the parties' oral argument and letter briefs concerning the timing
22 of Defendants' proposed joint motion to strike nationwide class allegations from the Indirect
23 Purchaser Plaintiffs' ("IPP") complaint. (Dkt. Nos. 378, 379.) The Court concludes that the matter
24 is not suitable for hearing at this time. Assuming without deciding whether *Mazza v. American*
25 *Honda Motor Co., Inc.*, 666 F.3d 581 (9th Cir. 2012), controls given the nature of the instant
26 action, the rational and efficient dispositional order in this case is to resolve issues of IPP standing
27 first, and only then to proceed to California's three-step governmental interest test. If applicable,
28 California's governmental interest test would require the Court to make a threshold determination

1 of "whether the relevant law of each of the potentially affected jurisdictions with regard to the
2 particular issue in question is the same or different" as the substantive law of California. *Mazza* ,
3 666 F.3d at 590 (quoting *McCann v. Foster Wheeler LLC*, 48 Cal. 4th 68, 87 (Cal. 2010)).
4 Undertaking that analysis without having first ascertained in which "potentially affected
5 jurisdictions" the IPPs have standing to sue risks wasting both Court and party resources.
6 Accordingly, the Court shall not entertain the proposed joint motion to strike nationwide class
7 allegations at this juncture.

8 **IT IS SO ORDERED.**

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10 Dated: February 19, 2014


11 YVONNE GONZALEZ ROGERS
12 UNITED STATES DISTRICT COURT JUDGE